UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/1991/SR.26

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 17 October 1991, at 4 p.m.

Chairman: Mrs. BADRAN

CONTENTS

Consideration of the draft interim report (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-17930/4200B

The meeting was called to order at 4.20 p.m.

CONSIDERATION OF THE DRAFT INTERIM REPORT (continued)

1. Mr. MARTENSON (Under-Secretary-General for Human Rights) congratulated the Chairman and all the members of the Committee on the excellent work they had done in a relatively short time. The Convention was one of the most important instruments in the field of human rights not only because it dealt with the rights of children, who constituted more than half of the world's population, but also because it related to a variety of other aspects of human rights, a fact that would make the Committee's task all the more difficult. He also congratulated the Committee on having already established a dialogue with the specialized agencies, United Nations bodies and non-governmental organizations which played a very important role in the area of children's rights. In view of its complexity, the Committee's work would certainly not be a matter of routine and he fully understood that its members were concerned about whether they would have sufficient time to accomplish their task. He wished to assure them that he and his colleagues in the secretariat would do everything possible to help them and that he would continue to give due attention to that very important question.

2. The CHAIRMAN thanked Mr. Martenson for having rightly emphasized the complexity of the task facing the Committee. On behalf of the Committee, she also wished to express her gratitude to the secretariat for the support and assistance it had provided. She then invited the members of the Committee to continue their consideration of the draft interim report.

B. Matters relating to the Committee's methods of work in respect of the consideration of reports to be submitted by States parties in accordance with article 44 of the Convention

Guidelines (paras. 8, 9 and 10)

3. Paragraphs 8, 9 and 10 were adopted.

Dossiers and resource room (para. 11)

4. Mrs. SANTOS PAIS said that paragraph 11 should underline the need to encourage further work within the United Nations system and elsewhere on the computerization of data concerning human rights and, in particular, the rights of the child. She therefore proposed that the second sentence of the paragraph should be reworded to read: "It was pointed out that a computerized database would be particularly valuable in this regard and all efforts to that end should be encouraged".

5. Mr. HAMMARBERG supported the amendment proposed by Mrs. Santos País, which effectively conveyed the substance of the discussion in the Committee. Information and documentation would certainly be extremely important in its work. In that regard, he recalled that a special task force set up with the support of a number of treaty bodies had some years earlier proposed the establishment of a computerized documentation system for all the treaty bodies; that system could perhaps be linked to the databases of the specialized

agencies and other United Nations bodies concerned with matters relating to children. The Committee might also request the Rapporteur to look into developments in that regard and report on the matter at the next session.

6. Paragraph 11, as amended, was adopted.

Pre-sessional working group (para. 12)

7. Paragraph 12 was adopted.

Technical assistance (para. 13)

8. Mr. HAMMARBERG said that it was not clear from paragraph 13 whether the technical assistance in question was that provided by the advisory services programme of the Centre for Human Rights or the much broader assistance referred to in article 45 (b) of the Convention. He pointed out that it had been agreed that States parties should be informed of the type of support they might receive from the advisory services programme. The text of the paragraph should therefore be reworded to reflect better the discussion in the Committee.

9. Mrs. SANTOS PAIS recognized that the title might be misleading, since paragraph 13 in fact dealt only with advisory services while paragraphs 14 and 15 were concerned with technical advice or assistance. To resolve the problem, it would perhaps be enough to change the title and refer at the end of the paragraph to recommendation 9 of chapter II of the conclusions and recommendations, where it was suggested that training activities with a view to implementation of the Convention should take account of different States' needs regarding the preparation of reports in accordance with the guidelines adopted by the Committee.

10. Mr. KOLOSOV said he thought that it was unnecessary to reword the text of the paragraph completely. For the Committee to be able to adopt the paragraph, it would be sufficient to add the words "and advisory services" in the title and refer at the end to the recommendation mentioned by Mrs. Santos País.

11. Mr. HAMMARBERG said that the paragraph, as currently worded, might lead to confusion and therefore ought to be reworded. He accordingly proposed that action on the paragraph should be deferred.

12. The CHAIRMAN said that, in the absence of any objection, she would take it that the Committee agreed to Mr. Hammarberg's proposal.

13. It was so decided.

C. Cooperation with specialized agencies, the United Nations Children's Fund, other United Nations organs and other competent bodies (paras. 14 and 15)

14. Paragraphs 14 and 15 were adopted.

D. Future meetings of the Committee and other matters (paras. 16 to 19)

Paragraph 16

15. Mrs. EUFEMIO asked whether the paragraph could indicate exactly when the Working Group would meet.

16. The CHAIRMAN said that the Working Group would certainly meet after the Committee's regular session and accordingly proposed that the word "subsequently" should be inserted after the words "9 October 1992 and ...".

17. It was so decided.

18. Mr. KOLOSOV asked whether it should not also be stated that a session could be extended if there were a large number of reports to be considered. He did not, however, think it wise to hold the third session in January 1993, only three months after the second regular session. If it became impractical later on for Geneva to host a session of the Committee, why not then consider meeting elsewhere? He therefore proposed that the text of the paragraph should be amended to indicate that the session might take place elsewhere if it was not feasible to hold it at Geneva.

19. Mr. MARTENSON (Under-Secretary-General for Human Rights) pointed out that the organization of a session other than at Geneva posed a number of financial and material problems. It was not, in his view, desirable to consider other venues for the time being, as the problems that would arise in 1993 would not necessarily recur thereafter.

20. Mr. HAMMARBERG said that he did not doubt that organizing a session of the Committee away from Geneva presented some difficulties, but doing so might also be advantageous. If, for example, the session were to be held in New York, where UNICEF and UNDP were headquartered, the Committee might be able to strengthen its cooperation with those bodies. It was no accident that the Human Rights Committee held one of its sessions in New York.

21. Mrs. SANTOS PAIS said that she shared the concerns of Mr. Kolosov and Mr. Hammarberg. It was clear that the Committee should have the possibility of holding sessions away from Geneva, and it had already also considered organizing informal meetings at the regional level. However, paragraph 16 dealt with future sessions of the Committee in the short term only, up to the beginning of 1993, and it would be better not to make further changes to the paragraph.

22. Paragraph 16, as initially amended, was adopted.

Paragraph 17

23. Paragraph 17 was adopted.

Paragraph 18

24. Mrs. SANTOS PAIS recalled that the suggestion had been made at the previous meeting to devote a separate section of the report to the World

Conference on Human Rights, in which case that subject would not be dealt with in paragraph 18. She accordingly proposed that action on the paragraph should be deferred until the Committee had taken a decision on the matter.

25. The CHAIRMAN said that, in the absence of any objection, she would take it that the Committee agreed to the proposal made by Mrs. Santos País.

26. It was so decided.

Paragraph 19

27. Paragraph 19 was adopted.

Annexes

28. Mr. KOLOSOV, drawing attention to the title of annex III ("Provisional guidelines regarding the form and content of initial reports to be submitted by States parties under article 44 of the Convention"), pointed out that the Committee had already adopted the guidelines and that the word "provisional" should therefore be deleted. He noted that annex II was entitled "Membership of the Committee on the Rights of the Child, 1991-1993" and inquired whether it would list only the five members of the Committee whose terms of office expired in 1993.

29. Mr. BRUNI (Secretary of the Committee) said that the list would include the 10 members of the Committee but would no longer be valid after 1993, as the States parties would then have to elect 5 new members.

30. The CHAIRMAN took note of Mr. Kolosov's amendment to the title of annex III.

Recommendations of the Committee (continued)

31. Mr. KOLOSOV read out the following draft recommendations:

Preliminary comments and recommendations by the Committee on the Rights of the Child to the Preparatory Committee of the World Conference on Human Rights*

(* Adopted by the Committee at its ... meeting, held on ... October 1991.)

The Committee on the Rights of the Child,

Pursuant to paragraph 9 of General Assembly resolution 45/155 of 18 December 1990 and paragraph 5 of Commission on Human Rights resolution 1991/30 of 5 March 1991,

1. Decides to request its Chairperson to represent it at the meetings of the Preparatory Committee of the World Conference on Human Rights,

2. Adopts the following recommendations:

(a) A specific item relating to the activities of the human rights treaty bodies should be included in the agenda of the World Conference;

(b) All members of the treaty bodies of the United Nations human rights system should be invited to participate in the World Conference;

(c) One of the committees of the World Conference should focus specifically on the rights of the child;

(d) The list of issues to be explored during the preparatory process should include:

(i) Improving the effectiveness of the existing human rights treaty bodies;

(ii) Ways and means of strengthening the material and human resources of the Centre for Human Rights;

(e) The holding of international workshops and seminars should be encouraged during the preparatory process and their results should be presented to the World Conference;

(f) Special studies should be undertaken during the preparatory process to enable the World Conference to implement the provisions contained in paragraph 1 (b) of General Assembly resolution 45/155, one of such studies dealing with problems arising from the impact of scientific and technological progress on the rights of the child.

32. Miss MASON asked why Mr. Kolosov had not followed the example of the preceding recommendations for the title of his draft text. Could the title not read: "Recommendations concerning the Preparatory Committee of the World Conference on Human Rights"?

33. Mr. KOLOSOV explained that the wording was taken from the report of the Secretary-General through which the recommendations of other supervisory bodies had been submitted to the Preparatory Committee. Furthermore, the Preparatory Committee would hold three more sessions at which it could be presented with more detailed comments and recommendations. If, however, the members of the Committee thought that they could already adopt more substantial and definitive recommendations, he would be ready to go along with Miss Mason's suggestion.

34. Mrs. SANTOS PAIS pointed out that in paragraph 5 of its resolution 1991/30, the Commission on Human Rights, like the General Assembly, simply recommended that designated members of bodies established under international human rights agreements should contribute to the work of the Preparatory Committee, without specifying the nature of such contributions. She supported Miss Mason's suggestion and felt that the amendment would in no way affect the substance of the question.

35. The CHAIRMAN noted that the Committee accepted that amendment.

36. Mrs. SANTOS PAIS said that on the whole she approved the draft recommendations, which very importantly helped to provide the treaty bodies with the possibility of playing a significant role in the World Conference. However, she was not very clear as to what was meant in paragraph 2 (f) by "problems arising from the impact of scientific and technological progress on the rights of the child", which could refer to the adverse effects of medical experiments, genetic engineering or other practices. Why should the advantages of other new techniques, such as computerization, be neglected? That point needed to be clarified. In connection with article 42 of the Convention, she would like the draft recommendations to mention the question of ways and means of securing implementation of the various international instruments through dissemination of the principles and provisions contained therein.

37. Mr. KOLOSOV pointed out, with regard to paragraph 2 (f), that development was closely linked to scientific and technological progress, which generally had a favourable impact on the life of adults but often posed serious dangers for children. He had therefore thought it would be worthwhile to study those problems, particularly as the Conference would be called on to examine the relationship between development and the universal enjoyment of human rights, pursuant to paragraph 1 (b) of General Assembly resolution 45/155. However, he would be prepared to consider favourably any other proposal for a study, in line with the aims of the Conference, or for a new wording of the subparagraph that would make its meaning explicit.

38. Mr. HAMMARBERG requested the secretariat to clarify two points for the Committee. First, in view of what might already have been agreed provisionally concerning participation in the Conference, was it reasonable to recommend in paragraph 2 (b) that all members of the treaty bodies should be invited to take part? That would mean about 100 people. Second, it seemed that the Conference was to set up only a small number of main committees to deal with very general questions. Was that the appropriate context for devoting part of the work of the Conference to a discussion on the rights of the child (para. 2 (c))?

39. He thought that it would be worthwhile to hold a special meeting of all members of each of the supervisory bodies concerned prior to the Conference so as to permit a broad exchange of views on the problems encountered by those bodies, the solutions provided and the obstacles which continued to prevent them from functioning properly. They could thus submit a well-considered, if not common, position to the Conference and contribute better to the discussion on ways and means of improving their effectiveness and strengthening their material and human resources (para. 2 (d)). The Committee could, indeed, recommend to the Preparatory Committee that such a meeting should be held.

40. Concerning paragraph 2 (f), he pointed out that the Committee had not yet determined what special studies it would recommend to the General Assembly, nor had it actually decided to give priority to a study on the problems arising from the impact of scientific and technological progress, of which there were many - notably the effects of industrial activities on the environment, or the practices referred to by Mrs. Santos País. He did not think that the Committee could for the time being submit a fully considered and thoroughly substantiated

proposal. The subject-matter had to be carefully defined if the studies were to result in an improvement of the situation. He therefore thought that the Committee should refrain from recommending any particular topic for special study.

41. Mrs. SANTOS PAIS said that she too thought it was premature to propose specific topics or to recommend, through the Preparatory Committee, that the World Conference should establish a subsidiary organ to deal with one particular question. On the other hand, the idea of holding a meeting of all the treaty bodies concerned, with a view to evaluating jointly the obstacles to their proper functioning, identifying ways and means of improving their effectiveness and strengthening, for example, the resources of the Centre for Human Rights, seemed very worthwhile: it would justify the suggestions made in paragraph 2 (a) and (d) and could be incorporated in the draft recommendations. For the time being, it would be better to concentrate on the main recommendations to be made, since in any case the Committee would be able to submit further recommendations to the Preparatory Committee at a later stage in the preparatory process.

42. Mrs. KLEIN-BIDMON (Representative of the Secretary-General), replying to the questions put by Mr. Hammarberg, recalled the terms of paragraph 9 of General Assembly resolution 45/155 and the recommendation adopted by the Preparatory Committee at its first session (A/CONF.157/PC/13, decision PC/6) on the participation of experts in the Preparatory Committee and the Conference, from which it was clear that only the persons chairing the international human rights treaty bodies or their representatives would be invited to take part. On the other hand, the Preparatory Committee had not yet taken a decision on the organization of the Conference and it was not yet known how many main committees or subsidiary organs would be established or what their terms of reference would be. As to the possibility of a meeting of treaty bodies, one meeting of the persons chairing those bodies was in fact planned. If the Committee wanted to hold other meetings to which the officers of those bodies would be invited, it should indicate that wish in the draft recommendations, which would be issued as a document of the second session of the Preparatory Committee.

43. The CHAIRMAN asked the representative of the Secretary-General whether an estimate of the number of participants in the Conference had already been made.

44. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the figure was not yet known but would certainly be very high, since all the 166 Member States would be invited and each would determine the size of its delegation. In addition to the treaty bodies, the specialized agencies, United Nations organs and some non-governmental organizations would also be invited.

45. Mr. KOLOSOV indicated that attendance at the first World Conference on Human Rights, held at Tehran in 1968, had totalled about 2,500 and there was every reason to believe that the 1993 Conference would have at least as many participants.

46. Miss MASON, referring to paragraph 1 of the draft recommendations, proposed that the words "Decides to request its Chairperson to represent it ..." should be replaced by the words "Designates its Chairperson to represent it ...". That wording would be more appropriate as the Chairperson had already agreed to represent the Committee at the meetings of the Preparatory Committee.

47. The CHAIRMAN said she took it that the Committee endorsed that suggestion and that it was ready to adopt paragraph 1, as amended, together with the chapeau of paragraph 2 and paragraph 2 (a) without amendment.

Paragraph 2 (b)

48. Mr. KOLOSOV proposed that the Committee should leave paragraph 2 (b) as it stood, since there was nothing to be lost in making a request to the Preparatory Committee that all members of the treaty bodies should be invited to the World Conference.

49. Mr. HAMMARBERG said he thought that the Committee ought not to be over-ambitious and should moderate the wording by saying only "The treaty bodies ...".

50. Mrs. SANTOS PAIS said she did not think it was necessary for the Committee to state that representatives of the treaty bodies should be invited to the Conference, since one of the tasks of the World Conference was precisely to examine the effectiveness of the human rights conventions. Representatives of the bodies established under those conventions quite naturally had a place at the Conference. As their invitation was a matter of course, there was no reason to mention it.

51. Mr. KOLOSOV said he wished to emphasize the fact that the World Conference on Human Rights would be a conference of States and that they would be the only plenipotentiary participants. Representatives of the treaty bodies, non-governmental organizations and specialized agencies would be there only as observers and thus would have to be invited. When the Preparatory Committee came to draw up the provisional rules of procedure for the future conference, it would no doubt keep strictly to the terms of General Assembly resolution 45/155, where the intergovernmental nature of the Conference was clearly specified.

52. The CHAIRMAN said she took it that the Committee wished finally to adopt paragraph 2 (b) without change.

53. Mr. HAMMARBERG, referring to paragraph 2 (c), questioned the rationale behind the idea that one of the committees of the World Conference should focus specifically on the rights of the child. The Committee should in fact say that it wished children's rights to be a component of all the topics addressed at the Conference on account of their global nature. It should request furthermore that one meeting should be devoted especially to the rights of the child.

54. Mr. KOLOSOV supported Mr. Hammarberg's proposal but pointed out that it was not necessary to stress the need for a global approach as the indivisibility of human rights was already emphasized in the second preambular paragraph of General Assembly resolution 45/155.

55. Mr. HAMMARBERG remarked that no special discussion of children's rights could be proposed if that argument was maintained.

56. Mrs. SANTOS PAIS said it was precisely because General Assembly resolution 45/155 highlighted the indivisibility of human rights that emphasis should be placed on the particular role of the Convention on the Rights of the Child, as a very comprehensive instrument which advocated a global approach. In that regard, she was inclined to share Mr. Hammarberg's view.

57. Mrs. EUFEMIO said that she could not see why the indivisibility of human rights and the global nature of the Convention should prevent the Committee from calling for one debate to be focused specifically on the rights of the child. After all, the purpose of the Committee was to deal most particularly with children's rights. The interdependence and indivisibility of all human rights would in any case emerge clearly from the discussion.

58. Mr. KOLOSOV said that the persons entrusted with redrafting subparagraph (c) would do well to take account of what was said in subparagraph (a). In addition, he wished to recall the recommendation to move subparagraph (b) - which did not deal with substantive matters - to the end of the paragraph.

59. Mr. HAMMARBERG replied that, if subparagraph (c) was brought into line with subparagraph (a), the idea that children's rights must be part of all the discussions would no longer appear.

60. The CHAIRMAN proposed that the Committee should revert to the question at the next meeting.

61. Mrs. SANTOS PAIS suggested that it should be made clear in subparagraph (e) that the Committee wished to encourage the holding of national and regional workshops and seminars, and not only international workshops and seminars.

62. Mr. HAMMARBERG proposed that a request should be made in subparagraph (f) for a meeting of all members of the human rights treaty bodies, as part of the preparatory process of the World Conference, in order to facilitate an overall evaluation of the activities of those bodies and to enable them to make recommendations at the Conference on how to improve their work.

63. Mr. KOLOSOV said he endorsed that addition but would like it to appear in paragraph 2 (d) (i).

64. Mr. HAMMARBERG maintained that the text he had proposed, which did not deal with the list of issues to be explored during the preparatory process, would be more appropriate in subparagraph (f), although that did not preclude making reference to subparagraph (d) (i) in the definitive wording.

65. The CHAIRMAN, summing up the discussion, said that there was now agreement within the Committee on the title, paragraph 1 and paragraph 2 (a), (b) and (e) of its recommendation to the Preparatory Committee. The subparagraphs still pending would be considered at the next meeting.

The meeting rose at 6.05 p.m.